

**REMARKS**

Claims 2, 3, 15, 21, and 26-34 are currently pending in the present application, with Claims 2, 15, and 21 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner objected to Claim 21 for reasons of informality. Applicants have amended Claim 21 to correct the informality.

The Examiner rejected Claims 2, 3, 15, 21, and 26-34 under 35 U.S.C. 103(a) as being “Emagic Notator Logic Sequencing Software (Macintosh)” by Jim Akin (hereinafter “Akin”)) in view of Blumenau (U.S. Patent No. 5,664,216) and further in view of Simborg et al. (U.S. Patent No. 5,950,168). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, and repeated herein for the Examiner’s reference, the present invention is directed to a system and method for editing performance data of a musical tone via a computer system. Specifically, in accordance with a preferred embodiment as claimed, performance data of a musical tone is displayed in layers, wherein each layer represents a different type of articulation to be added to a musical tone based on the performance data. Articulation, as the term is recited in the claims, refers to specific performance technique (as reflected in the amended claims). In accordance with a preferred embodiment, a user may edit performance data by attaching or detaching (graphically via an input device such as a computer mouse) to a particular layer, execution icons that represent execution-related data for adding articulation to the musical score. Another aspect of the present invention includes the flexibility to display, any of the layers, in a small-scale manner. Specifically, by way of example, as illustrated in Figs. 3A, the layer “Dyna” (labeled as “L2”) is shown as displayed in a regular-scale sized display (like the other

layers). Fig. 3B shows the “Dyna” layer displayed in accordance with a small-scale display. Small scale display can be activated, as shown in Fig. 4, by a user selecting among a plurality of display options to a “Small-Scale Display.” Alternatively, small-scale display for an individual layer can also be effected by clicking on the “▼” symbol (labeled as button “LB” in Fig. 2; also referred to as the LB button in the specification) near the left end of each layer, as shown in Figs. 2-3.

Applicants have further amended Claims 2, 15, and 21 to clarify that, even in the small-scale display mode, any icons attached to the individual layer is still displayed in a symbolic manner (see, e.g., “RB” in Fig. 3B of the present application). Furthermore, Applicants have amended the claims to further clarify that execution icons are not attached to an individual layer if it is displayed via a small-scale display; in other words, no editing functions may be performed while an individual layer is displayed via a small-scale display.

The Examiner acknowledged that neither Aikin nor Blumenau contain any disclosure or suggestion of displaying a small-scale display for each of the individual layers (see page 5 of the Detailed Action). The Examiner cites Simborg as making up for this deficiency. However, with respect to the amended claims, Simborg does not disclose or teach small-scale display in which a graphical representation of any attached execution icon is displayed. This novel feature of the present invention allows a user to be mindful of any execution icons/edits of a layer despite it being displayed in a truncated manner (i.e., small-scale display). Simborg merely teaches collapsing of a sub-directory menu within a medical patient record. There is no teaching or suggestion in Simborg, or any of the other references, of a small-scale display that displays graphical representation of an attached musical execution icon.

Applicants further traverse the Examiner's combination of Simborg with Akin and Blumenau in that Simborg is directed to a medical record system, which has no relationship with either Akin or Blumenau. Applicants submit that, even under the KSR standard, it would not have been obvious to one of ordinary skill in the art, at the time of the present application, to combine these three references in order to derive the invention as presently claimed.

In view of the above, Applicants respectfully submit that Claims 2, 3, 15, 21, and 26-34 are not obvious in view of Akin, Blumenau, and Simborg.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032019710. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 20, 2009

Respectfully submitted,

By /David T. Yang/

David T. Yang

Registration No.: 44,415

MORRISON & FOERSTER LLP

555 West Fifth Street

Los Angeles, California 90013-1024

(213) 892-5587